

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	2:06cr144-WKW
)	
PAUL MEREZ GRAHAM)	

ORDER

Defendant Graham filed a *pro se* motion for leave to file a second motion to suppress (Doc. # 89) on January 29, 2008. Upon consideration of the motion, and for good cause, it is

ORDERED that the motion is DENIED for the following reasons:

1. The motion is untimely. Motions to suppress were due in this case on or before August 19, 2006. See Doc. # 9. Good cause has not been shown for the late filing.
2. Defendant's motion was filed *pro se*. Defendant, who is represented by counsel, may only file motions through his attorney.
3. Defendant's motion seeks to raise a claim for suppression pursuant to Hart v. Attorney General of the State of Florida.¹ However – although defendant did not timely raise this argument – the undersigned previously addressed the argument *sua sponte* in a recommendation on defendant's prior motion to suppress. See Doc. # 61 at 10 & n. 6. The recommendation was adopted by the district judge. Doc. # 69. Thus, the Hart issue has already been resolved unfavorably to defendant in this court.

¹ See 323 F.3d 884 (11th Cir. 2003).

DONE, this 1st day of February, 2008.

/s/ Susan Russ Walker

SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE

